

### **REMARKS**

Claims 1-5, 8 and 20-31 are pending in the present application. By this reply, new claims 23-31 have been added. Claims 1, 20 and 21 remain independent.

The claims have been amended to clarify the invention and to improve form according to U.S. patent practice. These modifications do not add new matter and are fully supported by the original disclosure, for example, see Figure 10, paragraph [0059] and [0056] – [0057] of the specification.

### **35 U.S.C. § 102 Rejection**

Claims 1-5 and 20-22 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Takano et al. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Independent claim 1 recites, *inter alia* “wherein the management information includes two entries, the first entry includes start address information of the specified area requested to be overwritten and start address information of the replacement-recorded area, and the second entry includes end address information of the specified area requested to be overwritten and end address information of the replacement-recorded area”. Other independent claims 20 and 21 recite similar features.

For instance, as shown in Figure 10 of the present application, a TDMA provided in the lead-in area of the disk includes two entries as shown. The first entry is composed of “A address” which is the start address of the defective cluster, and “C address” which is the start address of the replacement cluster which is to replace the defective cluster. Next, the second entry is composed of “B address” which is the end address of the defective cluster, and “D address” which is the end address of the replacement cluster which is to replace the defective cluster. In other words, the first entry includes two start address information (start address for the defective entry and start address for the replacement cluster), and then the second entry includes two end address information (end address for the defective cluster and end address for the replacement cluster). These features are clearly absent from Takano.

The Examiner relies on Figure 11 and column 10, lines 16 and 17 of Takano et al. to reject the claims. The Examiner alleges that those portions of Takano anticipate the claimed invention. Applicants disagree. As set forth in column 10, lines 11-17, Takano discloses a start block location and an initial value "0" (or a last block location) of each of the files A and B in the management table 20. In other words, Takano's each "entry" contains a start block location and a last block location of a file. Thus, there is no entry in Takano which includes two start address information ("start address information of the specified area requested to be written and start address information of the replacement-recorded area" in claim 1). Further, there is no entry in Takano which includes two end address information ("end address information of the specified area requested to be written and end address information of the replacement-recorded area" in claim 1).

Further, the specific structure of the entry in Applicants' invention is advantageous because it allows a more effective management of the start address information of the defective cluster and its replacement cluster collectively, and separately allows a management of end address information of the defective cluster and its replacement cluster collectively. Moreover, it appears that Takano is not concerned with the replacement-recording operation as in Applicants' invention. In the replacement-recording operation of the present invention, if a defective cluster or area is found, then a replacement area which is to replace the defective area is provided and data to be written in the defective area is recorded in the replacement area. These features and the management information entries associated with the replacement-recording operation are not disclosed in Takano et al.

Therefore, Takano et al. does not and cannot anticipate the invention as set forth in independent claims 1, 20 and 21 and their dependent claims (due to the dependency), and the rejection is improper and should be withdrawn.

**35 U.S.C. § 103 Rejection**

Claim 8 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Takano et al. in view of Hwang et al. This rejection is respectfully traversed.

As discussed above, Takano et al. fails to anticipate at least the above-noted features recited in independent claim 1 from which claim 8 depends. Further, Hwang et al. does not overcome these deficiencies of Takano et al. since Hwang et al. is merely relied on to reject dependent claim 8 and does not teach the claimed features. Therefore, even if the references were combinable, assuming *arguendo*, the combination of references would still not teach or suggest the invention as recited in claim 1 and its dependent claim 8. Thus, this rejection should be withdrawn.

**New Claims**

New claims 23-31 further define the invention as set forth in independent claims 1, 20 and 21 and are allowable at least for the same reasons that their independent claims are allowable as discussed above. Accordingly, indication of allowance of these dependent claims is respectfully requested.

**CONCLUSION**

For the foregoing reasons and in view of the above clarifying amendments, the Examiner is respectfully requested to reconsider and withdraw all of the objections and rejections of record, and an early issuance of a Notice of Allowance is respectfully requested.

Entry of this Amendment is deemed proper and requested in view of the concurrent filing of an RCE hereto.

Should there be any matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below.

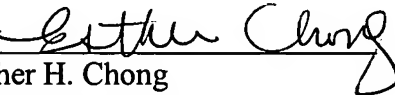
Application No. 10/731,170  
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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